

FIFTY-SIXTH DAY
(Tuesday, April 21, 1981)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Andujar, Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Uribe, Vale, Williams, Wilson.

Absent-excused: Richards.

A quorum was announced present.

The Reverend Dr. Gerald Mann, Senate Chaplain, offered the invocation as follows:

Our Father,
Let us use our hearts so well today that they'll be unworthy for transplants.
Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of Thursday, April 16, 1981, was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

Senator Richards was granted leave of absence for today on account of important business on motion of Senator Jones.

MESSAGE FROM THE HOUSE

House Chamber
April 21, 1981

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 11, Relating to functions of the Texas Historical Commission concerning the preservation of significant structures and the support of small museums.

S.B. 183, Relating to investment of the Permanent School Fund in short-term obligations.

S.B. 290, Relating to coal, lignite, and other minerals other than oil and gas on land of the Texas Department of Corrections.

S.B. 297, Relating to persons classified as peace officers. (With amendment)

S.B. 308, Relating to the regulation of invention development services. (With amendment)

S.B. 392, Relating to an appropriation to the Texas Forest Service, an agency of the Texas A & M University System for repair of damages to a base station antenna mast, and related facilities caused by a wind storm.

S.B. 425, Relating to the creation and operation of mass transit authorities in certain urban areas. (With amendment)

S.B. 429, Relating to the authority of the board of corrections to grant easements for electrical substations.

S.B. 771, Relating to the conveyance by the Parks and Wildlife Department of certain real property to the United States of America.

H.B. 22, Relating to a landlord's authority to void a lease if the premises are used for immoral activities involving a child or commercial promotion of immoral acts.

H.B. 769, Relating to the creation, administration, powers, duties, and financing of the Texas Public School Employees Group Insurance Program.

H.B. 1154, Relating to a program to demonstrate solar electric repowering.

H.B. 1192, Relating to creation of the State Personnel Standards Board.

H.J.R. 33, Proposing a constitutional amendment dedicating the state's surplus revenue to special funds in the state treasury to be used for retiring state debt and for water development, water conservation and water quality enhancement purposes.

H.J.R. 49, Proposing a constitutional amendment to exempt livestock and poultry from taxation.

S.C.R. 92, That all state departments and agencies be closed for a half day, beginning at noon on Friday, April 17, 1981.

All necessary rules suspended, and the House concurred in Senate amendments to **H.C.R. 82** by a non-record vote.

S.B. 15, Relating to authority to establish a foreign-trade zone in Rio Grande City.

S.B. 193, Relating to information contained in the Texas Register and the Texas Administrative Code and to confidentiality of the data base.

S.B. 293, Relating to reading the verdict in a criminal case.

S.B. 373, Relating to the use of pentobarbital to destroy animals.

S.B. 490, Relating to the powers, financing, and financial operations of the Red River Authority.

S.B. 655, Relating to the confidentiality of certain information derived from the administration and collection of certain taxes.

S.B. 726, Relating to establishing minimum standards for medicare supplement policies.

S.B. 749, Relating to the issuance of commercial bay shrimp boat licenses and commercial bait-shrimp boat licenses. (With amendment)

H.B. 201, Relating to repeal of certain obsolete or unnecessary education laws.

H.B. 269, Relating to the term of office of school trustees in certain independent school districts.

H.B. 275, Relating to public weighers.

H.B. 278, Relating to the operation of a vehicle marked as a school bus.

H.B. 454, Relating to an exemption from immunization requirements for active duty armed forces personnel applying for admission to an institution of higher education.

H.B. 471, Relating to the application of the Uniform Wildlife Regulatory Act to the wildlife resources in Shelby County.

H.B. 509, Relating to the obligation of the utility companies to file reports with the secretary of state.

H.B. 584, Relating to the office for the 205th and 210th District Courts.

H.B. 838, Relating to the cancellation of Patents located in a Block or System of Surveys which conflicts with Senior Patents in the same Block or System and the issuance of a Corrected Patent in conformity with the Block or System of Surveys.

H.B. 848, Relating to restrictions on leases of land purchased from the Veterans Land Board.

H.B. 870, Relating to investments in improved income producing property by life insurance companies.

H.B. 872, Relating to the elimination of the tax clearance fund and certain tax enforcement funds and to the disposition and allocation of certain state revenue.

H.B. 910, Relating to predator control from aircraft in Calhoun and Victoria counties.

H.B. 959, Relating to the process of rulemaking by state agencies and to the enforcement of agency orders, decisions, and rules.

H.B. 1021, Relating to reduction of workers' compensation death benefits because of benefits paid for a prior period of incapacity.

H.B. 1047, Relating to an exemption from the requirement of an inscription on a state motor vehicle.

H.B. 1061, Relating to employee benefit plans for employees of state banks.

H.B. 1101, Relating to the election and terms of office of supervisors of freshwater supply districts.

H.B. 1139, Relating to the imposition of a hotel occupancy tax by certain counties.

H.B. 1183, Relating to state purchasing.

H.B. 1202, Relating to the receiving of prisoners in county jails tendered by the United States Marshal or his deputy.

H.B. 1208, Providing that investment securities shall be eligible and lawful security for all deposits of public funds.

H.B. 1346, Relating to the duration of existence of a marketing association.

H.B. 1419, Relating to preparatory training for law enforcement officers.

H.B. 1420, Relating to granting the Texas Workers' Compensation Assigned Risk Pool authority to endorse its policies to provide coverage for an insured's out of state operations.

H.B. 1540, Relating to hunting with a light in Dimmit County.

H.B. 1543, Relating to the application of the Uniform Wildlife Regulatory Act to fish and other aquatic life in Coletto Creek Reservoir in Goliad County.

H.B. 1582, Relating to certain fees charged by the Commissioner of the General Land Office.

H.B. 1693, Relating to the lease of certain state-owned land by the Texas Board of Mental Health and Mental Retardation for use as a special opportunity center.

H.B. 1694, Relating to the taking, propagation, sale, and classification of elk.

H.B. 1727, Relating to certain regulation of county mutual insurers.

H.B. 1733, Relating to obstructions, barriers, and restraints on beaches and adjacent property.

H.B. 1745, Relating to the bond pending an appeal from a conviction in a justice or municipal court.

H.B. 1786, Relating to restrictions on municipalities paying group insurance premiums for dependents.

H.B. 1789, Relating to books and records of an insurance premium finance company.

H.B. 1838, Relating to the definition of the place of business of a retailer under local sales and use taxes.

H.B. 1890, Relating to the composition of administrative judicial districts.

H.B. 1915, Relating to fees for examination of trust companies.

H.B. 1934, Relating to financial and actuarial reports of public retirement systems.

H.B. 1935, Relating to restrictions on investments of certain public retirement systems.

H.B. 1941, Relating to regulation of fire extinguishers and fire alarm or fire detection devices.

H.B. 1953, Relating to investments in, or loans on, savings and loan shares or savings accounts by a state bank.

H.B. 1954, Relating to the minimum capital, surplus, and reserve requirements of state banks.

H.B. 1956, Relating to the grant to state banks of the power to make loans or investments as if they were national banks.

H.B. 1958, Relating to the subscription of stock in the Federal National Mortgage Association by a state bank or trust company.

H.B. 1969, Relating to the fees charged for examination of perpetual care cemetery associations.

H.B. 1983, Relating to the requirement of a certificate of authority for certain insurance associations.

H.B. 1999, Amending the Kidney Health Care Act.

H.B. 2004, Relating to the authority of water districts to levy taxes to pay off bonds issued to establish a fire department.

H.B. 2012, Relating to definition of premiums in the Life, Accident, Health and Hospital Service Insurance Guaranty Association Act.

H.B. 2024, Relating to issuance of certain permits for oil and gas development on public school land.

H.B. 2038, Relating to the compensation of the judges of the 121st and 286th Judicial Districts.

H.B. 2099, Relating to the sale by certain cities of a coliseum or stadium.

H.B. 2115, Relating to examination of state banks.

H.B. 2123, Relating to the rules of practice and procedure of the State Banking Board.

H.B. 2124, Relating to applications for state bank charters.

H.B. 2125, Relating to businesses that provide bank services to state banks.

H.B. 2130, Relating to fees for the examination of records of sellers of prearranged or prepaid funeral services or funeral merchandise.

H.B. 2229, Relating to annual reports to the state by public retirement systems.

H.B. 2298, Relating to the authority of Bexar County to transfer land to The Texas A&M University System.

H.B. 2299, Relating to compensation of the board of directors of the Plum Creek Conservation District.

H.B. 2305, Relating to the compensation and car allowance of commissioners of drainage districts in Victoria County.

H.C.R. 83, Honoring the historic town of Penitas.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

CO-AUTHOR OF SENATE BILL 972

On motion of Senator Brown and by unanimous consent, Senator Sarpalius will be shown as Co-author of **S.B. 972**.

CO-AUTHOR OF SENATE BILL 973

On motion of Senator Brown and by unanimous consent, Senator Sarpalius will be shown as Co-author of **S.B. 973**.

CO-AUTHOR OF SENATE BILL 1002

On motion of Senator Andujar and by unanimous consent, Senator Ogg will be shown as Co-author of **S.B. 1002**.

CO-AUTHOR OF SENATE BILL 1173

On motion of Senator Brooks and by unanimous consent, Senator Sarpalius will be shown as Co-author of **S.B. 1173**.

REPORTS OF STANDING COMMITTEES

Senator Harris submitted the following report for the Committee on Economic Development:

S.B. 1090

C.S.S.B. 415 (Read first time)

C.S.S.B. 738 (Read first time)

Senator Sarpalius, Acting Chairman, submitted the following report for the Committee on Human Resources:

C.S.S.B. 812 (Read first time)

Senator Brooks submitted the following report for the Committee on Human Resources:

S.B. 516

SENATE BILLS AND RESOLUTIONS ON FIRST READING

On motion of Senator Santiesteban and by unanimous consent, the following bills and resolutions were introduced, read first time and referred to the Committee indicated:

S.B. 1223 by Mengden State Affairs
Relating to the information required to be furnished in an application for voter registration.

S.B. 1224 by Mengden Jurisprudence
Relating to analyses of initiative and referendum measures.

S.B. 1225 by Ogg Intergovernmental Relations
Relating to the compensation of the judges of the district courts in certain counties.

S.B. 1226 by Ogg Intergovernmental Relations
Relating to supplemental compensation of justices of the courts of appeals by the counties.

S.J.R. 54 by Santiesteban Finance
Proposing a constitutional amendment to authorize laws limiting ad valorem taxation by this state of property only temporarily in the state.

S.C.R. 93 by Mengden Administration
Granting Mrs. Warthell Browne Iles permission to sue the State.

HOUSE RESOLUTION ON FIRST READING

The following resolution received from the House was read the first time and referred to the Committee indicated:

H.C.R. 53, To Committee on Administration.

GUESTS PRESENTED

The President presented Congressman Marvin Leath, Bernice Beck and Tommy Mills.

They were welcomed as guests of the Senate today.

BILLS AND RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bills and resolutions:

S.B. 146	S.B. 589
S.B. 327	S.B. 659
S.B. 351	S.B. 829
S.B. 353	S.B. 918

S.B. 588	
S.C.R. 16	S.C.R. 56
S.C.R. 20	S.C.R. 57
S.C.R. 50	S.C.R. 72
S.C.R. 52	S.C.R. 76

GUESTS PRESENTED

Senator Caperton was recognized and escorted Mr. and Mrs. Charles G. Shandera to the President's Rostrum.

The President presented Mr. Shandera with an enrolled copy of Senate Resolution 453, previously adopted, expressing appreciation for Mr. Shandera's service to the Board of Pardons and Paroles.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Subcommittee on Nominations:

Austin, Texas
April 16, 1981

TO THE SENATE OF THE SIXTY-SEVENTH LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE BRAZOS RIVER AUTHORITY:

For a six-year term to expire February 1, 1987:

JAMES C. ATKINS, JR. of Lake Jackson, Brazoria County, is replacing Sam Rowe of Alvin, Brazoria County, whose term expired.

ROLAND ADAMSON of Richmond, Fort Bend County, is replacing Paul Clifton Boyd of Temple, Bell County, whose term expired.

ALFRED L. BROOKS, JR. of Bellville, Austin County, is being reappointed.

TO BE A MEMBER OF THE TEXAS AMUSEMENT MACHINE COMMISSION:

For a six-year term to expire January 31, 1987:

JOSE M. BLANCO, JR., of Wharton, Wharton County, is being reappointed.

TO BE A MEMBER OF THE TEXAS SURPLUS PROPERTY AGENCY:

For a six-year term to expire March 19, 1987:

WILLIAM C. ENGLISH of Kingsville, Kleberg County, is replacing Thomas M. Spencer of Pasadena, Harris County, whose term expired.

TO BE A MEMBER OF THE TEXAS JUDICIAL COUNCIL:

For a four-year term to expire January 1, 1985:

PAUL C. MURPHY, III of Huntsville, Walker County, is replacing Martin Dies, Jr. whose term expired.

TO BE A MEMBER OF THE FAMILY FARM ADVISORY COUNCIL:

For a six-year term to expire January 31, 1987:

JACK H. BARTON of Houston, Harris County, is being reappointed (representing officer of a Farm Credit Association)

I ask the advice, consent and confirmation of the Senate with respect to the following appointment pursuant to Senate Bill No. 596:

TO BE JUDGE OF THE 284TH JUDICIAL DISTRICT COURT, MONTGOMERY COUNTY, UNTIL THE NEXT GENERAL ELECTION AND UNTIL HIS SUCCESSOR SHALL BE DULY ELECTED AND QUALIFIED:

OLEN UNDERWOOD of Conroe, Montgomery County.

Respectfully submitted,

William P. Clements, Jr.
Governor of Texas

COMMITTEE APPOINTED

In accordance with the provisions of **H.C.R. 136** the President announced the appointment of the following as a Committee to Escort Congressman Jim Wright to the Joint Session: Senators Brooks, Parker, Mauzy, Meier and Snelson.

COMMITTEE APPOINTED

In accordance with the provisions of **H.C.R. 153** the President announced the appointment of the following as a Committee to Escort Chief Justice Joe Greenhill to the Joint Session: Senators Doggett, Farabee, Glasgow, Santiesteban and Uribe.

SENATE CONCURRENT RESOLUTION 94

Senator Jones offered the following resolution:

S.C.R. 94, Congratulating Abilene Christian University on its 75th Anniversary.

The resolution was read.

On motion of Senator Howard and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Jones and by unanimous consent, the resolution was considered immediately and was adopted.

SENATE BILL 482 WITH HOUSE AMENDMENT

Senator Glasgow called **S.B. 482** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Committee Amendment No. 1 - Gavin

Amend Section 1 of **S.B. 482** by adding paragraph (f) immediately following paragraph (e) of Section 1 of Article 3.51-6, Insurance Code, as quoted in said Section 1, which paragraph (f) would read as follows:

“(f) Any group accident and health insurance policy which contains provisions for the payment by the insurer of benefits for members of the family or dependents of a person in the insured group may provide for a continuation of such benefits or any part thereof after the death of the person in the insured group and provided further that any amounts of insurance so provided by such benefits shall not be construed as life insurance under this chapter. Such coverage may continue for a period not to exceed 180 days subject to any other policy provisions relating to termination of dependent’s coverage.”

Said paragraph (f) is in the current statute, but was omitted from the text of **S.B. 482** by mistake.

The amendment was read.

Senator Glasgow moved to concur in the House amendment.

The motion prevailed.

SENATE CONCURRENT RESOLUTION 37 WITH HOUSE AMENDMENT

Senator Blake called **S.C.R. 37** from the President’s table for consideration of the House amendment to the resolution.

The President laid the resolution and the House amendment before the Senate.

Committee Amendment No. 1 - Henderson

Amend **S.C.R. 37** by inserting after the word “governor” on page 1, line 19, the following:

“Speaker of the House,”.

The amendment was read.

Senator Blake moved to concur in the House amendment.

The motion prevailed.

COMMITTEE SUBSTITUTE SENATE BILL 874 ON SECOND READING

Senator Sarpalius moved to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 874, Relating to prehospital emergency medical services care; providing penalties.

The motion prevailed by the following vote: Yeas 25, Nays 5.

Yeas: Andujar, Brooks, Brown, Caperton, Doggett, Harris, Howard, Jones, Kothmann, Leedom, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Santiesteban, Sarpalius, Snelson, Traeger, Travis, Truan, Uribe, Vale, Williams.

Nays: Blake, Farabee, Glasgow, Short, Wilson.

Absent-excused: Richards.

The bill was read second time.

Senator Howard offered the following amendment to the bill:

Amends C.S.S.B. 874, Section 4, subsection (b) (1) by striking the figure "50,000" and substituting with the figure "75,000"; and, subsection (b) (2) by striking the figure "50,000" and substituting with the figure "75,000".

The amendment was read and was adopted.

On motion of Senator Sarpalius and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 874 ON THIRD READING

Senator Sarpalius moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 874 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2.

Yeas: Andujar, Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Santiesteban, Sarpalius, Snelson, Traeger, Travis, Truan, Uribe, Vale, Williams.

Nays: Short, Wilson.

Absent-excused: Richards.

The bill was read third time and was passed.

SENATE BILL 851 ON SECOND READING

On motion of Senator Doggett and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 851, Relating to continuation of the Texas State Board of Plumbing Examiners and the regulation of plumbers.

The bill was read second time.

Senator Doggett offered the following committee amendment to the bill:

Amend S.B. 851 as follows:

(1) On page 1, line 7, after "1," insert "3".

(2) On page 1, between lines 10 and 11 insert the following:

Sec. 3. The following acts, work and conduct shall be expressly permitted without license:

(a) Plumbing work done by a property owner in a building owned or occupied by him as his home;

(b) Plumbing work done outside the municipal limits of any organized city, town or village in this state, or within any such city, town or village of less than five thousand (5,000) inhabitants, unless required by ordinance in such city, town or village of less than five thousand (5,000) inhabitants;

(c) Plumbing work done by anyone who is regularly employed as or acting as a maintenance man or maintenance engineer, incidental to and in connection with the business in which he is employed or engaged, and who does not engage in the occupation of a plumber for the general public; construction, installation and maintenance work done upon the premises or equipment of a railroad by an employee thereof who does not engage in the occupation of a plumber for the general public; and plumbing work done by persons engaged by any public service company in the laying, maintenance and operation of its service mains or lines to the point of measurement and the installation, alteration, adjustment, repair, removal and renovation of all types of appurtenances, equipment and appliances, including doing all that is necessary to render the appliances useable or serviceable; appliance installation and service work done by anyone who is an appliance dealer or is employed by an appliance dealer, and acting as an appliance installation man or appliance service man in connecting appliances to existing piping installations; water treatment installations, exchanges, services, or repairs. Provided, however, that all work and service herein named or referred to shall be subject to inspection and approval in accordance with the terms of all local valid city or municipal ordinances.

The committee amendment was read and was adopted.

Senator Doggett offered the following amendment to the bill:

Amend S.B. 851 as follows:

(1) On page 1, line 46, after "1," insert "2,3," and on line 47, after "Section" insert "3A and".

(2) On page 1, line 51, after "1," insert "2,3," and on line 52, after "Section" insert "3A and".

(3) On page 1, after line 54, insert the following:

"Section 2. DEFINITIONS. (a) The word or term 'plumbing' as used in this Act means and shall include: (1) All piping, fixtures, appurtenances and appliances for [a] supply or recirculation of water, [or] gas, liquids, and drainage or elimination of sewage, including disposal systems or any combination thereof [or both], for all personal or domestic purposes in and about buildings where a person or persons live, work or assemble; all piping, fixtures, appurtenances and appliances outside a building connecting the building with the source of water, [or] gas [supply], or other liquid supply, or combinations thereof [or both], on

the premises, or the main in the street, alley or at the curb; all piping, fixtures, appurtenances, appliances, drain or waste pipes carrying waste water or sewage from or within a building to the sewer service lateral at the curb or in the street or alley or other disposal or septic terminal holding private or domestic sewage; (2) the installation, repair, service, and maintenance of all piping, fixtures, appurtenances and appliances in and about buildings where a person or persons live, work or assemble, for a supply of gas, water, liquids, or any combination thereof ~~[or both]~~, or disposal of waste water or sewage.

"(b) A 'Master Plumber' within the meaning of this Act is a person skilled in the planning, superintending, and the practical installation, repair, and service of plumbing and is familiar with the codes, ordinances, or rules and regulations governing those matters ~~[plumber having a regular place of business]~~, who alone ~~[by himself]~~, or through a person or persons under his supervision ~~[in his employ]~~, performs plumbing work, and who has successfully fulfilled the examinations and requirements of the Board.

"(c) A 'Journeyman Plumber' within the meaning of this Act is any person other than a master plumber who supervises, engages in, or works at the actual installation, alteration, repair, service, and renovating of plumbing, and who has successfully fulfilled the examinations and requirements of the Board.

"(e) A 'Plumbing Inspector' within the meaning of this Act is any person employed by a political subdivision ~~[city, town or village]~~ for the purpose of inspecting plumbing work and installations in connection with health and safety laws and ordinances, who has no financial or advisory interests in any plumbing company, and who has successfully fulfilled the examinations and requirements of the Board.

"(g) 'Water treatment' is a business which is conducted under contract and requires ability, experience, and skill in the analysis of water to determine how to treat influent and effluent water to alter or purify the water or to add or remove a mineral, chemical, or bacterial content or substance. The term includes the installation and service of fixed or portable water treatment equipment or a treatment apparatus, in public or private ~~[the]~~ water treatment systems ~~[system of industrial, commercial, or residential structures]~~. The term also includes the making of connections necessary to the installation of a water treatment system.

"(h) 'System' as used in this Act means interconnection between one or more public or private end users of water, gas, sewer, or disposal systems that could be a threat to public health if improperly connected.

"Section 3. ACTS PERMITTED WITHOUT A LICENSE. The following acts, work and conduct shall be expressly permitted without license:

"(a) Plumbing work done by a property owner in a building owned or occupied by him as his homestead ~~[home]~~;

"(b) Plumbing work done outside the municipal limits of any organized city, town or village in this state, or within any such city, town or village of less than five thousand (5,000) inhabitants, unless required by ordinance in such city, town or village of less than five thousand (5,000) inhabitants;

"(c) Plumbing work done by anyone who is regularly employed as or acting as a maintenance man or maintenance engineer, incidental to and in connection with the business in which he is employed or engaged, and who does not engage in the occupation of a plumber for the general public; construction, installation and maintenance work done upon the premises or equipment of a railroad by an employee thereof who does not engage in the occupation of a plumber for the general public; and plumbing work done by persons engaged by any public service company in the laying, maintenance and operation of its service mains or lines to the point of measurement and the installation,

alternation, adjustment, repair, removal and renovation of all types of appurtenances, equipment and appliances, including doing all that is necessary to render the appliances useable or serviceable; appliance installation and service work done by anyone who is an appliance dealer or is employed by an appliance dealer, and acting as an appliance installation man or appliance service man in connecting appliances to existing piping installations; water treatment installations, exchanges, services, or repairs. Provided, however, that all work and service herein named or referred to shall be subject to inspection and approval in accordance with the terms of all local valid city or municipal ordinances.

“(d) Plumbing work done by a lawn irrigation system installer when working and licensed within the definitions of the Texas Board of Irrigators. A person holding a valid license from the Texas State Board of Plumbing Examiners shall not be required to be licensed by any other board or agency when installing or working on a lawn irrigation system;

“(e) Plumbing work done by an LP Gas installer when working and licensed under Chapter 113, Natural Resources Code, as amended.

Section 3A. CERTIFICATION RELATING TO RESIDENTIAL WATER TREATMENT FACILITIES. The Commissioner of Health or his designee shall certify persons as being qualified for the installation, exchange, servicing, and repair of residential water treatment facilities as defined by Subsection (g), Section 2, of this Act. The director or his designee shall set standards of qualifications to insure the public health and to protect the public from unqualified persons engaging in activities relating to water treatment. Nothing in this section shall be construed to require that persons licensed pursuant to this Act are subject to certification under this section.”

(4) On page 1, line 67, strike “licensed architect” and substitute “plumbing contractor with five years’ experience [licensed architect]”.

(5) On page 2, line 48, strike “secretary-treasurer” and substitute “secretary [secretary-treasurer]”.

(6) On page 2, line 50, after “conduct” insert “and enforcement”.

(7) On page 4, line 15, strike Section 9 and substitute the following:

“Section 9. PENALTIES[REVOCAION — OF — LICENSES, HEARING]. (a) The Board shall [have power to] revoke or suspend a license, probate a license suspension, or reprimand a licensee for any violations of this Act or rules of the Board. A violation of this Act shall include, but not be limited to: obtaining a license [any license issued hereunder if the same was obtained] through error, [or] fraud; having [or if the recipient thereof is shown to be incompetent or shall have] wilfully, negligently or arbitrarily violated municipal rules or ordinances regulating sanitation, drainage and plumbing; knowingly making a substantial misrepresentation of services to be provided or which have been provided; or making any false promise with intent to influence, persuade, or induce an individual to contract for services [provided, that before any license shall be revoked, the holder thereof shall have written notice enumerating the charges against him, and shall be given a hearing by said Board, and have an opportunity to produce testimony in his behalf, at a time and place specified in said notice, which time shall be not less than twenty days after the service thereof. The Board shall have power to appoint, by an order in writing, any competent person to take testimony in such hearing, who shall have power to administer oaths, issue subpoenas and compel the attendance of witnesses, and the decision of the Board shall be based upon its examination of the testimony taken and the records produced]. Any person whose license has been revoked may, after the expiration of one year from the date of such revocation, but not before, apply for a new license.

"(b) A person who violates any provision of this Act or any rule, regulation, permit, or other order of the Board is subject to a civil penalty of not less than \$50 or more than \$1,000 for each act of violation and for each day of violation after notification to be recovered as provided by this Act.

"(c) If the Board proposes to refuse a person's application for licensure or to suspend or revoke a person's license, the person is entitled to a hearing before the Board. Grounds for suspension or revocation of a license due to suspected incompetence or wilful violation by a licensee may be determined through retesting procedures.

"(d) Proceedings for the refusal, suspension, or revocation of a license are governed by the Administrative Procedure and Texas Register Act, as amended (Article 6252-13a, Vernon's Texas Civil Statutes).

(8) On page 6, line 10, after the period insert "The successor to the member of the board who is a licensed architect is the member who must be a plumbing contractor."

(9) On page 6, after line 23, insert the following and renumber remaining sections accordingly:

SECTION 4. Section 3, Chapter 397, Acts of the 65th Legislature, Regular Session, 1977, is repealed.

The amendment was read and was adopted.

Senator Ogg offered the following amendment to the bill:

Amend S.B. 851 to read as follows:

(1) On page 1, line 47, strike "Section 8A" and substitute "Sections 5A and 8A".

(2) On page 1, line 52, strike "Section 8A" and substitute "Sections 5A and 8A".

(3) On page 3, after line 13, insert a new Section 5A to read as follows:

Section 5A. TEXAS PLUMBING CODE. (a) After public hearings, the Board shall adopt a code containing minimum plumbing standards to protect the public health and safety. The code is to be known as the Texas Plumbing Code.

(b) Plumbing work for which a license issued under this Act is required must comply with the Texas Plumbing Code. Any interested person may sue in a court of competent jurisdiction for injunctive relief to compel compliance with the code.

(c) A provision of the Texas Plumbing Code does not supersede a local rule or regulation that is more stringent than the code provision.

The amendment was read and failed of adoption by the following vote: Yeas 13, Nays 17.

Yeas: Brooks, Doggett, Kothmann, Mauzy, Ogg, Parker, Short, Traeger, Travis, Truan, Uribe, Vale, Williams.

Nays: Andujar, Blake, Brown, Caperton, Farabee, Glasgow, Harris, Howard, Jones, Leedom, McKnight, Meier, Mengden, Santiesteban, Sarpalius, Snelson, Wilson.

Absent-excused: Richards.

On motion of Senator Doggett and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 851 ON THIRD READING

Senator Doggett moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 851 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Yeas: Andujar, Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, Mauzy, Meier, Mengden, Ogg, Parker, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Uribe, Vale, Williams, Wilson.

Nays: McKnight.

Absent-excused: Richards.

The bill was read third time and was passed.

HOUSE BILL 364 ON SECOND READING

On motion of Senator Glasgow and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 364, Relating to the offenses of aggravated rape and aggravated sexual abuse.

The bill was read second time and was passed to third reading.

HOUSE BILL 364 ON THIRD READING

Senator Glasgow moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that H.B. 364 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Richards.

The bill was read third time and was passed.

SENATE BILL 195 ON SECOND READING

On motion of Senator Farabee and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 195, Relating to suits against the state based on written contracts.

The bill was read second time and was passed to engrossment.

SENATE BILL 195 ON THIRD READING

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 195 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Richards.

The bill was read third time and was passed.

RECORD OF VOTE

Senator Blake asked to be recorded as voting "Nay" on the final passage of the bill.

SENATE BILL 344 ON SECOND READING

On motion of Senator Mauzy and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 344, Relating to including volunteer firefighters, policemen, emergency medical personnel, and other volunteers specifically named under political subdivisions workers' compensation.

The bill was read second time and was passed to engrossment.

SENATE BILL 344 ON THIRD READING

Senator Mauzy moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 344 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Richards.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Richards.

GUEST PRESENTED

The President presented Congressman Tom Loeffler.

The Senate welcomed Mr. Loeffler as a guest for today.

MOTION TO ADJOURN

On motion of Senator Brooks the Senate agreed at 12:21 o'clock p.m. to stand adjourned at the conclusion of the Joint Session until 10:30 a.m., Wednesday, April 22, 1981.

RECESS

On motion of Senator Brooks the Senate at 12:21 o'clock p.m. took recess until 2:30 o'clock p.m. today.

AFTER RECESS

The Senate met at 2:30 o'clock p.m., and was called to order by the President.

JOINT SESSION

(To hear addresses by The Honorable Jim Wright, Congressman, State of Texas, and The Honorable Joe R. Greenhill, Chief Justice, Supreme Court of Texas)

The President announced that the hour for the Joint Session of the two Houses to hear the address of The Honorable Jim Wright, Member of Congress, 12th District of State of Texas, and The Honorable Joe R. Greenhill, Chief Justice, Supreme Court of Texas, pursuant to **H.C.R. 136** and **H.C.R. 153**, had arrived.

Accordingly, the Senators present, accompanied by the Secretary of the Senate and the Sergeant-at-Arms, repaired to the Hall of the House of Representatives at 2:30 o'clock p.m.

The President, by invitation of the Speaker of the House, occupied a seat on the Speaker's Rostrum.

The Honorable Jim Wright, Majority Leader of the United States House of Representatives and Congressman of the 12th District of the State of Texas, and his party was announced by the Doorkeeper of the House.

Congressman Wright's party was escorted to the Speaker's Rostrum by Senators Brooks, Parker, Mauzy, Meier and Snelson on the part of the Senate and Representatives Willis, Lewis, Cary, Lanny Hall, Evans, Webber and Coody on the part of the House.

The Honorable Joe R. Greenhill, Chief Justice of the Supreme Court of Texas, and his party was announced by the Doorkeeper of the House.

Judge Greenhill's party was escorted to the Speaker's Rostrum by Senators Doggett, Farabee, Glasgow, Santiesteban and Uribe on the part of the Senate and Representatives Bush, Florence, Nabers, Semos, Nowlin, Cofer and Thompson on the part of the House.

The President called the Senate to order and announced a quorum of the Senate present.

The Honorable Bill Clayton, Speaker of the House of Representatives announced a quorum of the House present and announced the purpose of the Joint Session.

The Speaker introduced The Honorable Doyle Willis, Member of the House, who introduced The Honorable Jim Wright.

Congressman Wright addressed the Joint Session.

The Speaker presented the following distinguished officials and podium guests: Mrs. Joe Greenhill and granddaughter, Emily; and Texas Congressmen Martin Frost, Jim Mattox, Tom Loeffler, and Congressman Phillip Crane of Illinois.

The President, The Honorable William P. Hobby, introduced The Honorable Joe R. Greenhill, who addressed the Joint Session. (Texts of addresses may be found in House Journal of April 21, 1981)

MEMORIAL RESOLUTIONS

H.C.R. 122 - (Kothmann): In memory of Judge John H. Wood, Jr.

S.R. 526 - By Glasgow: Memorial resolution for Dorris Wright Perry.

S.R. 527 - By Snelson: Memorial resolution for J. Frank Crews.

WELCOME AND CONGRATULATORY RESOLUTIONS

H.C.R. 83 - (Uribe): Honoring the historic town of Penitas.

H.C.R. 118 - (Jones): Commending Louise Mandrell.

S.R. 523 - By Kothmann: Extending welcome to Kollin Wright Baker, "Honorary Page" for the day.

S.R. 524 - By Doggett: Commending Allen McCree.

ADJOURNMENT

The President announced the purpose of the Joint Session had been accomplished and declared the Senate at 3:47 o'clock p.m. would stand adjourned until 10:30 o'clock a.m. tomorrow, in accordance with a motion previously adopted in the Senate.

APPENDIX

Signed by Governor
(April 15, 1981)

S.B. 22	Effective immediately
S.B. 30	Effective immediately
S.B. 51	Effective immediately
S.B. 108	Effective immediately
S.B. 110	Effective immediately
S.B. 138	Effective immediately
S.B. 154	Effective August 31, 1981
S.B. 162	Effective September 1, 1981
S.B. 182	Effective immediately
S.B. 201	Effective immediately
S.B. 225	Effective immediately
S.B. 240	Effective immediately
S.B. 243	Effective immediately
S.B. 250	Effective August 31, 1981
S.B. 271	Effective immediately

S.B. 272 Effective immediately
S.B. 325 Effective August 31, 1981
S.B. 331 Effective August 31, 1981
S.B. 339 Effective August 31, 1981
S.B. 548 Effective immediately
S.B. 585 Effective August 31, 1981
S.B. 609 Effective August 31, 1981
S.B. 741 Effective immediately
H.B. 1341 Effective immediately
H.C.R. 90
H.C.R. 141
H.C.R. 142
H.C.R. 143

Sent to Governor
(April 21, 1981)

S.B. 146	S.B. 589
S.B. 327	S.B. 659
S.B. 351	S.B. 829
S.B. 353	S.B. 918
S.B. 588	
S.C.R. 16	S.C.R. 56
S.C.R. 20	S.C.R. 57
S.C.R. 50	S.C.R. 72
S.C.R. 52	S.C.R. 76

In Memory

of

Sue Lowe

Senator Mauzy offered the following resolution:

(Senate Resolution 525)

WHEREAS, The life of Sue Lowe which began in Houston on July 19, 1944, came to a most untimely end on Thursday, April 16, 1981, in Austin, leaving a host of saddened friends across the State of Texas; and

WHEREAS, Sue Lowe dedicated her life to public service teaching in the public school system at Andrews High School in Andrews, Texas, from 1966 through 1969 after earning a Bachelor of Arts degree from The University of Texas in June of 1966; and

WHEREAS, Sue Lowe first worked for the State Senate in 1971 working for State Senator Ronald Bridges as his Administrative Assistant; and

WHEREAS, She helped the retired teachers of the state while working for the Senate Education Committee and also helped the students of Texas by working on several public school finance bills; and

WHEREAS, Sue Lowe's legal abilities were foretold by her reception of the Citation of Merit from the Attorney General's Law Clerkship Honors Program in April of 1976 prior to her graduation from St. Mary's Law School in May of 1976; and

WHEREAS, Sue Lowe was admitted to the State Bar of Texas November 1, 1976, and subsequently became a member of the Texas Trial Lawyers and the American Trial Lawyers Association; and

WHEREAS, She was appointed to the position of Assistant Attorney General on March 19, 1979; and

WHEREAS, Sue Lowe began work as legal counsel for the Senate Education Committee in June of 1980 and then transferred to the Senate Jurisprudence Committee in January of 1981 where she devoted many long and hard hours to the work of the committee; and

WHEREAS, Not only the members of the Senate but also the staff of the Senate remember her both as a generous and kind friend and as a truly dedicated public servant; now, therefore, be it

RESOLVED by the Senate of the State of Texas, 67th Legislature, That the richly honored and fulfilled life of Gwenna Sue Lowe be commended as a continuing example to all her fellow citizens for whom she toiled so long and so well; and, be it further

RESOLVED, That the Senate of Texas extend deepest sympathy to the members of her family; her father and mother, Mr. and Mrs. Ray Lowe of Corpus Christi; her brothers Hugh Lowe and Jon Lowe of Austin; her sister Marsha Stites of Houston; and, be it further

RESOLVED, That copies of this Resolution be prepared for members of the family, and that when the Texas Senate adjourns this day, it do so in memory of Sue Lowe.

The resolution was read.

On motion of Senator Doggett and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.